



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

1595 Wynkoop Street
DENVER, CO 80202-1129
Phone 800-227-8917
<http://www.epa.gov/region08>

APR 8 2009

Ref: 8ENF-W

CERTIFIED MAIL LETTER
RETURN RECEIPT REQUESTED

Steve Fawcett, Registered Agent
Potomac Bible Church, Inc.
3639 Bear Creek Rd.
Star Rt Box 151
Bonner, MT 59823

Re: Administrative Order
Potomac Bible Church
Public Water System
Docket No. SDWA-08-2009-0030
PWS ID # MT0004434

Dear Mr. Fawcett:

Enclosed is an Administrative Order (Order) issued by the Environmental Protection Agency (EPA) under the authority of the Safe Drinking Water Act (the Act), 42 U.S.C. section 300f et seq. Among other things, the Order describes how Potomac Bible Church, which owns and/or operates the Potomac Bible Church Water System (the system), has violated the EPA's National Primary Drinking Water Regulations (drinking water regulations).

On March 2, 2009, the Montana Department of Environmental Quality (MDEQ or the State) notified Potomac Bible Church that the system had been granted a reduction in total coliform monitoring triggered by any total coliform-positive sample. This included both the four repeat samples to be taken within 24 hours and the five additional routine samples to be taken the following month. The reduction in monitoring was granted upon receiving written notice from the system's operator acknowledging the system's deficiencies and notifying the State of the corrective action being taken. It was also granted upon the system's agreement to provide bottled water and post a monthly Health Advisory until notified it could discontinue these actions.

The EPA's drinking water regulations do not allow for waiving the requirement of 40 C.F.R. § 141.21(b)(1)-(4) to take four repeat samples within 24 hours of a positive coliform result. The state's monitoring regulation (ARM § 17.38.215) does not allow for waiving either that requirement or the requirement to take five additional routine samples in the month following a positive coliform result. Although no failure to monitor total coliform violations are cited in the Order, it is EPA's determination that the Potomac Bible Church should continue to conduct follow-up and routine sampling following a total coliform positive sample as required by the drinking water regulations. EPA understands and appreciates that Potomac Bible Church has cooperated with the State and is eager to correct the deficiencies at the system.

The Order is effective upon the date received. Please review the Order and within 10 days provide EPA with any information you believe EPA may not have. If Potomac Bible Church complies with the Order for at least twelve months, EPA may close the Order without further action. Failure to comply with the Order may lead to substantial civil penalties and/or a Federal court injunction ordering compliance.

To submit information or request an informal conference with EPA, contact Kimberly Pardue Welch at the above address (with the mailcode 8ENF-W) or by phone at (800) 227-8917, extension 6983 or (303) 312-6983. For legal questions, the attorney assigned to this matter is Peggy Livingston, who may be reached at the above address (with the mailcode 8ENF-L) or by phone at (800) 227-8917, extension 6858 or (303) 312-6858.

We urge your prompt attention to this matter.

Sincerely,



Diane L. Sipe, Director
Water Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Enclosures
Order
Public notice samples/templates

cc:

John Arrigo, MT DEQ
Shelley Nolan, MT DEQ

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

2009 APR -8 AM 9:05

IN THE MATTER OF)	
)	
Potomac Bible Church, Inc.)	
Bonner, MT)	ADMINISTRATIVE ORDER
)	
Respondent)	Docket No. SDWA-08-2009-0030

1. This Order is issued under the authority vested in the Administrator of the United States Environmental Protection Agency (EPA) in the Public Health Service Act (as amended by and hereafter referred to as the "Safe Drinking Water Act" or the "Act"), 42 U.S.C. § 300f, as properly delegated to the undersigned officials.

2. Potomac Bible Church, Inc. (Respondent) is a corporation which owns and/or operates the Potomac Bible Church Water System (the system) in Missoula County, Montana which provides piped water to the public for human consumption. The system is supplied by a groundwater source consisting of one well and serves approximately 29 people per day through 2 service connections year round. The system is a "transient non-community" water system as defined in 40 C.F.R. § 141.2. Respondent is subject to the requirements of the Act and the National Primary Drinking Water Regulations (drinking water regulations), at 40 C.F.R. part 141. The Respondent received annual notification from the Montana Department of Environmental Quality (MDEQ or the State) regarding the system's monitoring requirements.

3. The State has primary enforcement authority for the Act in the State of Montana. On February 24, 2009, EPA issued a Notice of Violation to MDEQ regarding the violations at the system. MDEQ elected not to commence an enforcement action against the system for the violations within the thirty-day time frame set forth in section 1414(a) of the Act, 42 U.S.C. § 300g- 3(a). EPA has provided a copy of this Order to MDEQ and has provided the State, through MDEQ, with an opportunity to confer with EPA regarding this Order pursuant to section 1414(g)(2) of the Act, 42 U.S.C. § 300g-3(g)(2). EPA is issuing this Order requiring the system to comply with the "applicable requirements" it violated. An "applicable requirement" includes requirements of an applicable approved State program, such as Montana's "Public Water Supply Requirements" at Administrative Rules of Montana (ARM) 17.38.101 through 703. 42 U.S.C. § 300g-3(i).

VIOLATIONS

4. Respondents who collect fewer than 40 total coliform samples per month and have more than one total coliform positive sample during the monthly monitoring period are determined to be in violation of the maximum contaminant level (MCL) for total coliform bacteria. 40 C.F.R. § 141.63(a)(2). Respondent exceeded the MCL for total coliform bacteria during June 2005, August 2005, September 2005, November 2005, March 2006, April 2007, July 2008, August 2008, October 2008, and November 2008 and, therefore, violated this requirement.

5. The drinking water regulations define the acute MCL for total coliform bacteria as a fecal coliform positive or E. coli positive repeat sample, or any total coliform positive repeat sample following a fecal coliform positive or E. coli positive routine sample. 40 C.F.R. §141.63(b). Respondent's sampling results during May 2005 and September 2005 exceeded the acute MCL for total coliform bacteria and, therefore, violated this requirement.

6. The law requires Respondent to notify the public of certain violations of the drinking water regulations, in the manner specified by the regulations. 40 C.F.R. § 141.201 et seq. Respondent failed to notify the public of the violations listed in paragraph 4 above (except the April 2007 total coliform MCL violation) and, therefore, violated this requirement.

7. Respondent is required to report any total coliform MCL violations to the State by the end of the next business day after the system learns of the violation. 40 C.F.R. §§ 141.21(g)(1), 141.63. Respondent failed to report to the State the MCL violations listed in paragraph 4 above and, therefore, violated this requirement.

8. Respondent is required to report any failure to comply with any other drinking water regulations to the State within 48 hours. 40 C.F.R. § 141.31(b). Respondent failed to report the violations listed in paragraph 6 above to the State and, therefore, violated this requirement.

ORDER

Based on the above violations, Respondent is ordered to perform the following actions:

9. Within 30 days of the effective date of this Order, Respondent shall provide EPA with a compliance plan and schedule for the system to come

into compliance with the MCLs for total coliform bacteria as stated in 40 C.F.R. §§ 141.63(a) and 141.63(b). The plan shall include proposed system modifications, estimated costs of modifications, and a schedule for completion of the project and compliance with the above-mentioned regulations. The proposed schedule shall include specific milestone dates and a final compliance date (to be within 120 days from the date of EPA's approval of the plan). The plan and schedule must be approved by EPA before construction or modifications can commence. EPA's approval of Respondent's plan and schedule does not substitute for any State of Montana approvals of plans and specifications that are also required before modifications can be made to the system.

10. The plan and schedule required by paragraph 9, above, will be incorporated into this Order as enforceable requirements upon written approval by EPA.

11. Respondent must achieve and maintain compliance with 40 C.F.R. §§ 141.63(a) and 141.63(b) by the final date specified in the approved plan, or no later than 120 days after receiving EPA's approval of the plan and schedule required by paragraph 9, above, whichever is earliest. If implementation of the plan fails to achieve permanent compliance, EPA may order further steps and/or seek penalties for noncompliance.

12. Within 30 days of the effective date of this Order, Respondent must provide public notice of the violation(s) specified in Paragraph 4 in this Order (except the April 2007 total coliform MCL violation). 40 C.F.R. §§ 141.201, 141.202 and 141.205. Respondent shall submit a copy of the public notice to EPA and the State within 10 days of completion of the public notice. 40 C.F.R. § 141.31(d). This notice shall be given by (1) posting the notice in conspicuous locations throughout the distribution system frequented by persons served by the system OR (2) by mail or direct delivery to each customer and service connection; AND (3) any other method reasonably calculated to reach other persons served by the system if they would not normally be reached by the notice required above, such as publication in a local newspaper or newsletter distributed to customers; use of E-mail to notify employees or students; or delivery of multiple copies in central locations. If the public notice is posted, the notice must remain in place for as long as the violation or situation persists, but for no less than seven days. The public water system must repeat the notice every three months as long as the violation or situation persists. Upon the effective date of this Order, Respondent shall comply with the public notification requirements following any future drinking water regulations violation. 40 C.F.R. § 141.201 et seq.

13. Respondent shall report any other violation of the drinking water regulations to EPA and the State within 48 hours of discovery.

14. Reporting requirements specified in this Order shall be provided by certified mail to:

Kimberly Pardue Welch
U. S. EPA Region 8 (8ENF-W) **AND**
1595 Wynkoop Street
Denver, CO 80202-1129

Shelley Nolan
Montana Department of
Environmental Quality- PWSS
P.O. Box 200901
Helena, MT 59620-0901

GENERAL PROVISIONS

15. This Order does not constitute a waiver, suspension, or modification of any requirement of the Act or drinking water regulations. Issuance of this Order is not an election by EPA to forgo any civil or criminal action.

16. Violation of any part of this Order, the Act, or the drinking water regulations may subject Respondent to a civil penalty of up to \$37,500 (as adjusted for inflation) per day of violation, 42 U.S.C. § 300g-3(g)(3); 40 C.F.R. part 19.

Issued this 8th day of April, 2009.

David Rochlin
David Rochlin, Supervisory Attorney
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Diane L. Sipe
Diane L. Sipe, Director
Technical Water Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Instructions for Unresolved Total Coliform Notice – Template 2-1

Template on Reverse

Since exceeding the total coliform bacteria maximum contaminant level is a Tier 2 violation, you must provide public notice to persons served as soon as practical but within 30 days after you learn of the violation (141.203(b)). Persistent total coliform problems can be serious. Some states have more stringent requirements for coliform violations. Check with your primacy agency to make sure you meet all requirements. You must issue a repeat notice every three months for as long as the violation persists.

Community systems must use one of the following methods (141.203(c)):

- Hand or direct delivery
- Mail, as a separate notice or included with the bill

Non-community systems must use one of the following methods (141.203(c)):

- Posting in conspicuous locations
- Hand delivery
- Mail

In addition, both community and non-community systems must use another method reasonably calculated to reach others if they would not be reached by the first method (141.203(c)). Such methods could include newspapers, e-mail, or delivery to community organizations. If you mail, post, or hand deliver, print your notice on letterhead, if available.

The notice on the reverse is appropriate for hand delivery or mail. If you modify the notice, you must still include all the required elements and leave the health effects language in italics unchanged. This language is mandatory (141.205(d)).

Description of the Violation

The description of the violation and the MCL vary depending on the number of samples you take. The following table should help you complete the second paragraph of the template.

<u>If You Take Less Than 40 Samples a Month</u>	<u>If You Take More Than 40 Samples a Month</u>
State the number of samples testing positive for coliform. The standard is that no more than one sample per month may be positive.	State the percentage of samples testing positive for coliform. The standard is that no more than five percent of samples may test positive each month.

Corrective Action

In your notice, describe corrective actions you are taking. If you know what is causing the coliform problem, explain this in the notice. Listed below are some steps commonly taken by water systems with total coliform violations. Use one or more of the following actions, if appropriate, or develop your own:

- We are chlorinating and flushing the water system.
- We are increasing sampling for coliform bacteria.
- We are investigating the source of contamination.
- We are repairing the wellhead seal.
- We are repairing the storage tank.
- We will inform you when additional samples show no coliform bacteria.

Make sure to send a copy of each type of notice and a certification that you have met all the public notice requirements to your primacy agency within ten days after issuing the notice (141.31(d)). It is a good idea to inform your consumers when the violation has been resolved. See Template 1-8 for a "problem corrected" notice template.

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Tests Show Coliform Bacteria in Potomac Bible Church Water System

Our water system recently violated a drinking water standard. Although this is not an emergency, as our customers, you have a right to know what happened, what you should do, and what we are doing to correct this situation.

We routinely monitor for drinking water contaminants. Most recently, on **November 25, 2008** we took five samples to test for the presence of coliform bacteria and all five came back positive for total coliform bacteria. Additionally, Potomac Bible Church has had a history of exceeding the maximum contaminant level for total coliform bacteria. These violations are listed below with the number of samples taken and the number of sample which tested positive.

<u>Violation Date</u>	<u>Number of samples taken</u>	<u>Number of positive samples</u>
May 2005	5	4
June 2005	5	5
August 2005	5	5
September 2005	5	5
November 2005	5	5
March 2006	9	3
July 2008	5	4
August 2008	5	5
October 2008	5	5

What should I do?

- **You do not need to boil your water or take other corrective actions.** However, if you have specific health concerns, consult your doctor.
- People with severely compromised immune systems, infants, and some elderly may be at increased risk. These people should seek advice about drinking water from their health care providers. General guidelines on ways to lessen the risk of infection by microbes are available from EPA's Safe Drinking Water Hotline at 1-800-426-4791.

What does this mean?

This is not an emergency. If it had been you would have been notified immediately. Total coliform bacteria are generally not harmful themselves. *Coliforms are bacteria which are naturally present in the environment and are used as an indicator that other, potentially-harmful, bacteria may be present. Coliforms were found in more samples than allowed and this was a warning of potential problems.*

Usually, coliforms are a sign that there could be a problem with the treatment or distribution system (pipes). Whenever we detect coliform bacteria in any sample, we do follow-up testing to see if other bacteria of greater concern, such as fecal coliform or *E. coli*, are present. **We have not detected any of these bacteria since September 2005.** If we had, we would have notified you immediately. However, we are still finding coliforms in the drinking water.

What is being done?

[Describe corrective action here – such as receiving technical assistance from state, chlorinating system, and taking an additional samples]

We are still detecting coliform bacteria. We will inform you when our sampling shows that no bacteria are present. We anticipate resolving the problem within [**estimated time frame**].

For more information, please contact [name of contact] at [phone number] or [mailing address].

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail.

This notice is being sent to you by **Potomac Bible Church**

Water System ID#: MT 0004434

Date distributed: _____

TIER 3 TEMPLATES

The pages that follow contain templates for Tier 3 violations and situations. Along with the templates are instructions, including the required method of delivery and instructions for completing individual sections of the notices. These instructions are designed to supplement Chapter 7, so you may see much of the information repeated here.

Mandatory language on unknown risk for monitoring violations, which must be included exactly as written, is presented in *italics* (141.205(d)).

You must also include the following italicized language in all notices, where applicable (141.205(d)). Use of this language does *not* relieve you of your obligation to take steps reasonably calculated to notify all persons served:

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail.

Templates

Monitoring Violations Annual NoticeBTemplate 3-1

6. Upon installation of a continuous disinfection system:

- a) If chlorination is used, Respondent shall monitor chlorine residual daily in the distribution system at a location furthest from the water source and chlorine residual must be maintained at 0.2 mg/L or higher each day at that sampling point. A DPD colorimetric test kit or a free chlorine test strip must be used for measurement and the result must be recorded each day using the enclosed form.
- b) If ultraviolet (UV) disinfection is utilized, it must provide UV dosage of $> 22 \text{ mJ/cm}^2$ at the end of the lamp life, and have a monitor for countdown of UV lamp life, UV sensors to monitor UV intensity continuously, visual and audible alarms, and an automatic shut-off fail-safe solenoid valve so that water does not flow through the unit without adequate treatment (valve closes upon loss of power or other problems). Respondent must have spare bulbs and a plan for regular maintenance as recommended by the manufacturer. The intensity of the UV light and the contact time must be sufficient to provide effective treatment. The UV intensity at the time it is being checked must be recorded each day using the enclosed form.
- c) Respondent must notify EPA by the next business day if the chlorine residual drops below 0.2 mg/L or the UV unit is shut down due to low intensity.
- d) Respondent shall report either chlorine residual or UV light intensity to EPA monthly using the enclosed form. Reports are due by the 10th of the month following the end of each month.

7. Within 90 days of receipt of this Order, Respondent shall provide EPA with a compliance plan and schedule for the system to achieve consistent long-term compliance with the total coliform bacteria MCL. 40 C.F.R. § 141.63. The plan shall include proposed system modifications (which must include, but is not limited to, installation cross-connection control devices, improving the wellhead area to prevent contamination from entering the well and obtaining a Class 5 injection well permit for a large capacity septic system by the Wyoming Department of Environmental Quality Water Quality Division), estimated cost of the modifications, and a schedule for completion of the project and compliance with the total coliform MCL. The proposed schedule shall include specific milestone dates and a final compliance date to be within 6 months after EPA's approval of the plan. The plan and schedule must be approved by EPA before construction or modifications can commence. EPA's approval of Respondent's plan and schedule does not substitute for any State of Wyoming approvals of plans and specifications that may also be required before modifications can be made to the system.

8. The plan and schedule required by paragraph 7, above, will be incorporated into this Order as enforceable requirements upon written approval by EPA.

9. Within 120 days of receipt of this Order, Respondent shall submit to EPA monthly reports on the progress made in implementing the plan and schedule required by paragraph 7, above. Each monthly report is due by the 10th day of the month following the end of each calendar month.

10. Respondent must comply with the total coliform MCL even if the plan as approved does not achieve compliance. If the plan fails to achieve compliance, EPA may order further steps and/or seek penalties for non-compliance.

11. Reporting requirements specified in this Order shall be provided by certified mail to:

Kathelene Brainich
U. S. EPA Region 8 (8ENF-W)
1595 Wynkoop Street
Denver, CO 80202-1129

GENERAL PROVISIONS

12. This Order does not constitute a waiver, suspension, or modification of any requirement of the Act or drinking water regulations. Issuance of this Order is not an election by EPA to forgo any civil or criminal action.

13. Violation of any part of this Order, the Act, or the drinking water regulations may subject Respondent to a civil penalty of up to \$32,500 (as adjusted for inflation) per day of violation, 42 U.S.C. § 300g-3(g)(3); 40 C.F.R. part 19.

6 April 2009
Date

David Rochlin
David Rochlin, Supervisory Attorney
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

2 April 2009
Date

Diane L. Sipe
Diane L. Sipe, Director
Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

MONTHLY GROUNDWATER DISINFECTION FOR EPA COMPLIANCE DETERMINATION

Month _____ Year _____ System Name _____ PWS ID # _____

Chlorination: Measure chlorine residual at the farthest tap in the distribution system. The daily minimum must be at least 0.2 mg/L. Enter the measurement, the time, and your initials.

Ultraviolet: Record UV intensity daily and initial after each entry. Depending on the model used, intensity is measured as either a percent or status (green/red). Enter the time the UV was checked and your initials. You must immediately comply when the intensity drops to the manufacturer's requirement for maintenance or lamp replacement. You must have spare bulbs and a plan for regular maintenance, as recommended by the manufacturer, on-site at all times.

Date (note entry time)	Disinfectant Residual at Farthest Tap in the Distribution System (mg/L). Initial daily.	UV Intensity Measurement (percent or status). Initial daily.	Date (note entry time)	Disinfectant Residual at Farthest Tap in the Distribution System (mg/L). Initial daily.	UV Intensity Measurement (percent or status). Initial daily.	Date (note entry time)	Disinfectant Residual at Farthest Tap in the Distribution System (mg/L). Initial daily.	UV Intensity Measurement (percent or status). Initial daily.
1			11			21		
2			12			22		
3			13			23		
4			14			24		
5			15			25		
6			16			26		
7			17			27		
8			18			28		
9			19			29		
10			20			30		
						31		

Notify EPA by the next business day if the chlorine residual drops below 0.2 mg/L or the UV unit is shut down due to low intensity. .

Prepared by _____ Date _____

Mail the completed form to EPA each month (due by the 10th of the month following the end of each month)

MONTHLY GROUNDWATER DISINFECTION FOR EPA COMPLIANCE DETERMINATION

Month _____ Year _____ System Name _____ PWS ID # _____

Chlorination: Measure chlorine residual at the farthest tap in the distribution system. The daily minimum must be at least 0.2 mg/L. Enter the measurement, the time, and your initials.

Ultraviolet: Record UV intensity daily and initial after each entry. Depending on the model used, intensity is measured as either a percent or status (green/red). Enter the time the UV was checked and your initials. You must immediately comply when the intensity drops to the manufacturer's requirement for maintenance or lamp replacement. You must have spare bulbs and a plan for regular maintenance, as recommended by the manufacturer, on-site at all times.

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1			11			21		
2			12			22		
3			13			23		
4			14			24		
5			15			25		
6			16			26		
7			17			27		
8			18			28		
9			19			29		
10			20			30		
						31		

Notify EPA by the next business day if the chlorine residual drops below 0.2 mg/L or the UV unit is shut down due to low intensity. .

Prepared by _____ Date _____

Mail the completed form to EPA each month (due by the 10th of the month following the end of each month)